IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Bail Appl..No. 4627 of 2007()

CRIME NO. 207/07 OF KODAKARA POLICE STATION

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APPELLANT/ACCUSED NO.1 TO 3

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1. RENJU, AGED 22 YEARS,
S/O RAVI, NJATTUVEETY HOUSE,
CHATTUKULAM PADAM, KODAKARA VILLAGE,
THRISSUR.

2. SURESH, AGED 35 YEARS,
S/O SUBRAN, MUPLIYAM VEEDU,
VETTAKADU, KODAKARA VILLAGE,
THRISSUR.

3. BABU, AGED 36, S/O AYYAPPAKUTTY,
THRIPPANATH HOUSE, VATTEKAD,
KODAKARA VILLAGE, THRISSUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT-STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4627 of 2007

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Dated this the 6th day of August, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 3. Now only the application of the second accused is pressed, accused 1 and 3 having already been arrested during the pendency of this petition.

2. The crux of the allegations is that accused 1 to 3, on account of political animosity, in furtherance of their common intention had trespassed into the house of the defacto complainant armed with dangerous weapons and had unleashed an attack on the defacto complainant and another, who were present in the house. Crime has been registered. Investigation is in progress. The petitioner/A2 apprehends imminent arrest.

3. The learned counsel for the petitioners submits that the allegations raised are totally false and incorrect. Only because of the political clout of the defacto complainant, such a crime raising serious allegations has been registered against the petitioners. The falsity of the allegations is eloquently conveyed by the simple fact

that the alleged attack had not resulted in any external injury for either of the victims. The transparent purpose is vexation. The defacto complainant is making use of his political influence to harass the petitioners.

4. The learned Prosecutor opposes the application. But notwithstanding the opposition, in the circumstances which I have already referred to, I am satisfied that anticipatory bail can above granted to the second accused. Appropriate conditions in the interests of a fair, efficient and expeditious investigation can of course be imposed.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner/A2 shall surrender before the learned Magistrate on 13.8.2007 at 11 a.m. The learned Magistrate shall release the petitioner/A2 on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner/A2 shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 14.8.07,

15.8.07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitionerA2 does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 13.8.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner/A2 were arrested prior to his surrender on 13.8.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 13.8.2007.

(R. BASANT)
Judge

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